



Ken Eikenberry

ATTORNEY GENERAL OF WASHINGTON

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September 14, 1988

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SEP 15 1988

OFFICE OF REGIONAL COUNSEL
EPA - REGION X

David M. Heineck, Esq.
Environmental Protection Agency
Office of Regional Counsel
1200 Sixth Avenue
Seattle, Washington 98101

Re: United Marine Shipbuilding
aka Marine Power & Equipment
Violation of Consent Decree

Dear Dave:

Pursuant to our meeting of Monday, September 12, 1988, enclosed is a summary of the Department of Ecology's position on Marine Power & Equipment's non-compliance with the terms of their NPDES permit and certain conditions specified in the Consent Decree filed in settlement of the civil suit C85-382R.

It is my understanding that you will be drafting a letter from us both to Ruth Nelson documenting EPA's and Ecology's position on Marine Powers non-compliance with the terms of the Consent Decree.

I have confirmed our meeting with Ruth Nelson at EPA's offices on Thursday, September 22, 1988 at 10:00 a.m. Call me if you have any questions.

Sincerely,

V. LEE OKARMA REES
Assistant Attorney General
Office of the Attorney General
Ecology Division, PV-11
Olympia, Washington 98504
(206) 459-6155

VLOR:blb
Enclosure
cc: Richard Koch

DISCUSSION

Of the violations listed below which UMS is to correct, the most significant in terms of pollutant loading and cost for correction is the exceedance of the effluent limits for hydroblasting wastewater stream.

As I said in Dave Hienick's office the most significant thing is the continuing nature of the violations for six months at the Duwamish River facility. Particularly when considered in conjunction with a lack of responsiveness to EPA regarding the engineering report for the sediment cleanup.

The DMRS for the Lake Union facility record violations for hydroblasting wastewater discharges and fail to report oil & grease content of bilge and ballast water discharges.

In addition, Lee Dorigan on 4/14/88, Norm Peck on 4/27/88 and the Seattle Harbor Patrol on 4/27/88 and 5/10/88 have observed and documented noncompliance with NPDES permit BMPs for sandblasting and painting of ship superstructures. Tarpaulins have not been hung to contain sandblast grit and paint overspray.

DMRs submitted for the Duwamish River facility report that the permit limits for total suspended solids and pH have frequently been exceeded, sometimes drastically for TSS, and there have been several permit limit violations for oil and grease.

Both NPDES permits state that: "Within six months of issuance of the permit the permittee shall file a copy of their spill prevention control and countermeasure plan with the department...." No SPCC plan has been filed.

List of DMR violations at Lake Union facility
(permit number WA-003086-4)

- 1) Hydroblasting wastewater average and maximum permit limits were exceeded in the December 1987 DMR for copper and zinc.

Parameter	Reported Average	Permitted Average	Reported Maximum	Permitted Maximum
Copper, mg/L	3.11	1.50	14.0	2.4
Zinc, mg/L	10.39	2.80	60.0	3.3

List of DMR violations at Duwamish River facility
(permit number WA-003089-9)

- 2) Permit limits for oil and grease (15 mg/L max) were exceeded at:
outfall #8, 120 mg/L, 2/88
outfall #9, 18 mg/L, 2/88
outfall #5, 24 mg/L, 3/88
- 3) The lower pH permit limits (6.0) not met are:
outfall #3, 5.5, 12/87 outfall #4, 5.5, 12/87
outfall #5, 5.0, 12/87 outfall #6, 5.5, 12/87
outfall #7, 5.5, 12/87 outfall #9, 5.5, 12/87
outfall #10, 5.5, 12/87
outfall #6, 5.5, 1/88
outfall #6, 5.5, 2/88 outfall #6, 5.5, 3/88
outfall #7, 5.5, 3/88
outfall #5, 5.5, 4/88 outfall #6, 5.5, 4/88
outfall #5, 5.5, 5/88 outfall #6, 5.5, 5/88

- 4) Permit limits for TSS (45 mg/l) not met are:
- | | | |
|-------------|------------|-------|
| outfall #5, | 160 mg/L, | 12/87 |
| outfall #7, | 55 mg/L, | 12/87 |
| outfall #6, | 166 mg/L, | 1/88 |
| outfall #8, | 59 mg/L, | 1/88 |
| outfall #9, | 432 mg/L, | 1/88 |
| outfall #5, | 860 mg/L, | 2/88 |
| outfall #6, | 140 mg/L, | 2/88 |
| outfall #7, | 120 mg/L, | 2/88 |
| outfall #8, | 180 mg/L, | 3/88 |
| outfall #9, | 71 mg/L, | 3/88 |
| outfall #5, | 1300 mg/L, | 4/88 |
| outfall #9, | 51 mg/L, | 4/88 |
| outfall #5, | 54 mg/L, | 5/88 |
| outfall #5, | 59 mg/L, | 5/88 |
- 5) Oil and grease concentration of bilge and ballast water discharges are not being reported, quantitatively or qualitatively. They could and should report no visible oil sheen.